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COMMITTEE ON THE RIGHTS OF THE CHILD

Seventh session

SUMMARY RECORD OF THE 157th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 26 September 1994, at 10 a.m.

Chairperson: Mrs. BADRAN

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The meeting was called to order at 10.55 a.m.

OPENING OF THE SESSION

1. The CHAIRPERSON welcomed members and declared open the seventh session of the Committee. Achievement of the target of universal ratification of the Convention on the Rights of the Child appeared to be close at hand and at the recent meeting of persons chairing the human rights treaty bodies, the Committee's activities had been viewed favourably, taking into consideration its workload. At the same time, however, it should be recognized that a number of matters were still pending - including the request for increased services from the Centre for Human Rights and for computerization to facilitate the work of the Committee - for which it was hoped a solution would be forthcoming in the near future.

2. On behalf of the Committee, it was her pleasure to extend a warm welcome to Mr. Fall, Assistant Secretary-General for Human Rights.

3. Mr. FALL (Assistant Secretary-General for Human Rights) said that the Committee, although it had been in existence for a comparatively short time, served as an example to other similar committees in the United Nations system in terms of both quantity - given the number of ratifications of the Convention and the number of State party reports already considered, and quality - particularly in regard to activities in cooperation with United Nations agencies and programmes and with the Secretariat for the purpose of promoting and increasing protection of the rights of the child.

4. Since the special session in April 1994, a number of events had taken place that were of interest and significance to the Committee. Following the Committee's own request, the Secretary-General had decided to appoint Mrs. Graça Machel to look into ways of improving protection of children against the pernicious effects of armed conflicts. In that respect, he had had the opportunity to discuss with Mrs. Machel questions pertaining to the modalities of her mandate and he was confident that, with the logistic support of UNICEF, she would be in a position to carry out her task. In that connection, she would not fail to contact the Committee during her forthcoming visit to Geneva on 4 and 5 October. Again, in accordance with the Committee's wish, States parties to the Convention on the Rights of the Child would be meeting in New York on 10 October to consider the frequency of the Committee's sessions and the meetings of its pre-sessional working group. He himself would be present on that occasion and was confident that the question of increasing the frequency of meetings would be favourably considered, in view of the importance of the Committee's work. Also on related human rights matters, the Secretary-General had, on 19 August, addressed a letter to Heads of State to draw their attention to the importance of universal ratification of the main international human rights instruments, with special emphasis on the Convention on the Rights of the Child.

5. As to the question of logistics mentioned by the Chairperson, he noted with pleasure the successful first regional visit of Committee members to enable them to make an on-the-spot appraisal of the situation in Africa, and he paid tribute to UNICEF's efforts in that respect. Moreover, the Centre for

Human Rights had embarked on a process of computerization two years previously and an agreement had been reached on a data bank to be set up for the benefit of treaty bodies. The General Assembly had also agreed to create two additional posts, one in support of the activities of the Committee, and the other connected with monitoring work at the level of the Assistant Secretary-General for Human Rights. Both those innovations could be regarded as reflecting a will to ensure further improvement.

6. Other events included the general discussion and other items placed on the agenda of the tenth session of the Committee on Economic, Social and Cultural Rights, held at Geneva in May 1994; the fifty-first session of the Human Rights Committee at Geneva in July, at which, in particular, a report on Burundi had been considered; the forty-fifth session of the Committee on the Elimination of Racial Discrimination, in August, which had considered as a matter of urgency the situation in Rwanda and in Burundi; the special session of the Commission on Human Rights, which had appointed a Special Rapporteur on the situation of human rights in Rwanda; the August 1994 session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, at which the Sub-Commission had asked the Committee to pay special attention to the rights of the child and his family to housing, and to envisage the possibility of assigning a day's thematic discussion to that topic; as well as the fifth meeting of persons chairing the human rights treaty bodies, in which the Committee's Chairperson had participated and on which she would doubtless be reporting to members in detail.

7. Lastly, he wished to assure the Committee of the constant support of the Centre for Human Rights in its endeavours.

8. Mr. HAMMARBERG drew attention to the Committee's workload and said it was gratifying that the request be allowed to hold more frequent sessions was likely to be favourably considered at the forthcoming special meeting of States parties. It was appropriate, as the Committee drew near to completing the first four years of its work, to make some evaluation and consider the action to be taken for the future, in which connection he would stress the need to look into ways of tying in the Committee's work with technical assistance and advisory services. Steps had already been taken in that direction with UNICEF. It was also important to ensure that children's rights became an integral part of other human rights machinery, for example, by ensuring that special rapporteurs included them in their activities and by making sure that the Committee could draw on the experience of non-governmental organizations.

9. It was also important for information on the rights of the child to be included and updated in publications issued by the Centre for Human Rights, particularly those relating to human rights reporting. Again, it was essential to scrutinize the rights of the child in crisis situations, such as the situation in Rwanda. Appropriate reporting would help the latter Committee to make a significant contribution in such circumstances.

10. Mgr. BAMBAREN GASTELUMENDI said he, too, was concerned that the Committee should consider the situation of children in the context of Rwanda, both those in the country itself and those who had become refugees. It was important to have access to available information in that respect.

11. Mr. FALL (Assistant Secretary-General for Human Rights) said that the previous speakers had both referred to the fundamental question of coordination in United Nations human rights activities, particularly in achieving improved communication between treaty bodies and special rapporteurs, as well as by more effective action in relation to technical assistance and advisory services. The Committee might wish, at the present session, to discuss matters directly with the officials in charge of those services. As to relations between the various treaty bodies, it should be noted that, in view of the constructive discussions at the most recent meeting of chairpersons of human rights treaty bodies, it had been suggested that such a meeting should be held annually, rather than biennially, as had been the case so far. With reference to relations between human rights committees and special rapporteurs, it would be recalled that the first annual meeting of special rapporteurs had been held recently and that it was intended to hold such meetings on a regular basis in the future. The strengthening of relations between rapporteurs and the relevant committees meant that the rights of the child would be systematically included in work undertaken by special rapporteurs.

12. He had taken note of the comments relating to publications and would discuss the matter with the relevant service so that he could keep the Committee informed.

13. Lastly, on the specific question of children's rights in Rwanda it should be noted that the present emphasis was on monitoring and protection of human rights. A second step might be an inquiry into accusations of violations of international humanitarian law, human rights and acts of genocide, and a third step might be to provide technical assistance and ensure that recent events in Rwanda would not be repeated. The issue of the rights of the child should certainly form an integral part of that process.

14. The CHAIRPERSON said that some of the problems mentioned had been discussed at the meeting of the chairpersons of treaty bodies, in particular the issue of coordinating and integrating the work of the different committees. Unfortunately, financial stringencies sometimes stood in the way of face-to-face interaction between the various bodies, but she hoped that the difficulty would be solved in the near future, perhaps by the establishment of a special fund or some other arrangement. She thanked the Assistant Secretary-General for his replies to the Committee's questions and said that the Committee counted on his continued support for its work.

ADOPTION OF THE AGENDA (agenda item 1) (CRC/C/31)

15. The CHAIRPERSON said that, if she heard no objection, she would take it that the Committee wished to adopt the provisional agenda.

16. The provisional agenda (CRC/C/31) was adopted.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 2)

17. The CHAIRPERSON invited the Committee to consider the informal paper containing the tentative programme of work, which had been circulated among members.

18. Mr. HAMMARBERG asked whether closed meetings were to be held at any point. It would help the agencies and NGOs, which were not members of the Committee, to plan their work if they knew in advance. Country reports were usually dealt with in open meetings and the Committee only held closed meetings to discuss and adopt its concluding observations.

19. The CHAIRPERSON said that methods of work were also discussed in closed session. It would be clear from the tentative programme of work which meetings were likely to be closed. If anything new occurred, the NGOs and the agencies would need to be notified.

20. Mr. HAMMARBERG drew attention to the need to prepare for particular topics before they came up. Situations had arisen in which the Committee had been forced for lack of time to leave some documents pending. They included an overview of the Committee's procedures, a commentary on the guidelines and the tentative plan of work up to the year 2000. It might be desirable to decide at once who should be responsible for preparing those documents for discussion and adoption. He understood that the first was already in draft form and needed no further preparation. The second was apparently somewhat controversial and a small working group might be necessary to complete it. The plan of work to the year 2000 would be useful for the next four-year cycle and he suggested that a small group should be asked to prepare a more solid document for the Committee's session in January.

21. The CHAIRPERSON said she agreed that the Committee could adopt a decision at once on the overview of procedures without needing to set up a working group. In the case of the other two topics, four members of the Committee were absent and it might be better to postpone any decision on the appointment of working groups for the time being.

22. Mrs. RAADI-AZARAKHCHI (Secretary of the Committee) said that a number of new reports had been received since the Committee's previous session. They were the initial reports of Belgium, Canada, Germany, Maldives, Niger, Portugal, Senegal, Tunisia, the United Republic of Tanzania and Yugoslavia, and a revised version of the initial report of Ukraine.

23. Mr. HAMMARBERG asked what reports had been received previously but were not on the agenda for the present session. A complete list of the reports in hand would indicate what the Committee's backlog was.

24. Mrs. RAADI-AZARAKHCHI (Secretary of the Committee) said that, in addition to the reports to be considered at the present session, initial reports had been received from Denmark, Jamaica, Nicaragua, Philippines, Poland and the United Kingdom. Reports had also been received from the Holy See and

Sri Lanka and additional information from El Salvador and Colombia. A total of 47 reports, together with some additional information that had been requested, had been received so far.

25. Mr. HAMMARBERG said that 19 reports would be left over after the present session and, since the Committee could only consider six reports per session, it would take more than three sessions to deal with them. The Committee was thus more than a year behind in its work.

26. The CHAIRPERSON said that the question was one of priorities: it might perhaps be advisable to appoint a small working group to look into the whole problem. In the time left for the meeting, the best course might be for her to report on three events which had taken place since the latest session: the International Conference on Population and Development, held in Cairo, the meeting of the persons chairing the human rights treaty bodies, and the International Congress on Child Abuse, held in Malaysia at almost the same time as the Cairo Conference.

27. As the Committee was aware, the Cairo Conference had stirred unprecedented controversy. The preparatory meetings had proceeded quietly, but when the Holy See had made known its objections, to abortion in particular, being joined on that issue, and on others, by the Muslim community, conflict had become the order of the day. Incidentally, she would point out that, while she had been engaged in trying to get a pass to attend the Conference and speak on behalf of the Committee, the secretariat of the Conference, though provided by the United Nations, had not even known what the Centre for Human Rights was, an intergovernmental body or a non-governmental organization, and she had been obliged to explain its status. The Conference secretariat had been unable to understand that her inclusion on the speakers' list meant that she should automatically have a pass, and matters had been at a deadlock until she had been able to contact the Centre for Human Rights. The situation might well sound absurd, but the issue was important: that the whole work of the Centre should receive so little publicity was a disaster.

28. In the seven minutes allowed her to address the Conference, she had made a number of specific requests. Two points in the documents before the Conference had been particularly relevant to the Committee's work on children's rights. She had urged Governments to approve the objectives and the strategy for achieving them set out in the Plan of Action, which had been approved, and she had also asked them to approve a point referring specifically to girls, which was important to the Committee and to CEDAW. In addition, she had urged those Governments which had not ratified the Convention on the Rights of the Child to do so and pointed out that 1995 had been set as a deadline for universal ratification. Personally, she believed that the target might well be reached before 1995. She had urged countries which had entered reservations, especially reservations that conflicted with the spirit and general principles of the Convention, to review and wherever possible withdraw them, and she had asked countries which had ratified the Convention to proceed to serious implementation, allocating the necessary financial and human resources to that task. Despite the difficulties experienced by delegations in reaching a consensus, the Conference had finally been able to agree on a number of points.

29. The issue of abortion had quickly become the central concern of the Conference. Although consensus had been difficult to achieve, Government delegates had eventually agreed that abortion must not be considered a means of family planning. They had further concurred that family-planning methods must be relevant to the cultures of individual countries, with primary emphasis on prevention of pregnancy. If, as a last resort, abortion proved necessary, it must be performed safely.

30. The material concerning sex education for both adults and children had been generally misread as advocating sexual permissiveness. It had then been re-written to discourage extramarital relations, emphasizing and explaining the attendant dangers of sexually transmitted diseases. Agreement had also been reached that any current discussion of the family must take into consideration the shift toward single parent households.

31. Lastly, the Egyptian Government had played an important role in bringing the Conference to consensus; in particular, it had helped to reformulate the final document to make it acceptable to Islamic groups.

32. Mgr. BAMBAREN GASTELUMENDI asked what part development had played in the Conference, which had been planned to encompass not only population but that issue as well.

33. The CHAIRPERSON said it was indeed unfortunate that, from the start, other items on the agenda - including that of sustainable development - had been shunted aside to make room for the question of abortion. Many participants had also raised the objection that abortion was only one of the many issues relevant to the broader subject of population.

34. Mrs. EUFEMIO asked for the final document of the Conference on Population and Development to be circulated to all members of the Committee.

35. The CHAIRPERSON said that, at the meeting of persons chairing the human rights treaty bodies, it had been agreed, firstly, that the objectives of the Convention on the Rights of the Child and of other human rights conventions should be considered priority matters within the United Nations system. Furthermore, emphasis must be placed on achieving universal ratification of all conventions. Whenever possible, the issue of ratification should be brought to non-State parties as well as to States parties.

36. The question of overdue reports had arisen. Firstly, the question had been asked as to how committees would cope with the increased workload if States parties did actually deliver overdue reports; treaty bodies were already far behind in their work. The Committee on Economic, Social and Cultural Rights, in the interest of furthering its work, had begun to investigate the situation in countries whose reports were overdue. That method had proved successful in pressing countries to submit reports.

37. The meeting had noted that some of the United Nations mechanisms failed to integrate human rights issues in their work, and more particularly, even to employ the language of the human rights conventions themselves. Human rights issues must be a part of all sectors of the United Nations and human rights education must of necessity be included in school curricula.

38. The meeting had concurred that the Secretary-General should be empowered to bring cases of severe human rights abuse to the attention of the Security Council, which could then take early warning measures to prevent civil strife. Action might be taken jointly by more than one treaty body in some instances. It had been suggested that a meeting should be held in 1995 with the Secretary-General to address the role of the treaty bodies in regard to human rights violations calling for urgent action.

39. It had been hoped that the number of reservations to treaties could be reduced. Firstly, States parties would be asked to explain the rationale for a reservation they intended to enter. Similarly, on the understanding that better understanding of treaties would mean fewer reservations, any article on which a State party intended to enter a reservation would be thoroughly explained. Discussions should also take place among States parties with regard to entering reservations. Furthermore, when States parties came before it, the Committee would endeavour to persuade them to withdraw any reservations. Furthermore, while States parties to the various conventions had already been asked to provide additional information on the situation of women they should be invited to do the same in future with regard to that of children.

40. Each chairperson had reported on his or her committee's cooperation with the specialized agencies and other organs of the United Nations. In that connection, she noted with disappointment the virtually total absence of representatives of the World Bank and the International Monetary Fund from meetings of the human rights treaty bodies, despite the obvious and widespread impact of their structural adjustment and "open-door" economic policies on human rights issues. On a more positive note, the relations between the Committee and UNICEF were exemplary, and she thought that invitations from specialized agencies to representatives of the treaty bodies to attend certain of their own meetings would be welcomed.

41. In her opinion, the Committee had organized its relations with non-governmental organizations better and with sharper focus than had some of the other treaty bodies. Indeed a suggestion had been made that it should share with NGOs its concluding observations on reports by States parties.

42. The persons chairing the human rights treaty bodies had discussed the need for adequate secretarial support, the general issue of funding the committees' activities, and the question of the establishment of a computerized network to cover all the needs of the Centre for Human Rights, treaty work being considered a priority. There again, the absence of funds was a major obstacle to progress.

43. Mention had been made of the need to insert a chapter about the Committee in the Manual on Human Rights reporting (HR/PUB/91/1), which also required updating. Finally, the chairpersons of the treaty bodies had underlined the importance of more regular face-to-face interaction, perhaps through reciprocal attendance at each other's sessions. They had also suggested that the chairpersons' meeting should be an annual, rather than biennial, event.

44. Mr. KOLOSOV inquired whether the special difficulties of numerically small committees in coping with a steadily increasing burden of work had been discussed at the chairpersons' meeting. In two or three years' time, when the Committee began to receive periodic as well as initial reports by States parties, its own workload might well be doubled.

45. The CHAIRPERSON said it was an important matter, but it had not been raised at the chairpersons' meeting. Perhaps the Committee should draft a recommendation on the matter at its present session?

46. Mgr. BAMBAREN GASTELUMENDI, remarking that there were practical advantages as well as disadvantages in smaller-sized bodies, said that, during the most recent elections to the Committee the suggestion had been put forward that the membership be increased to 18.

47. On another issue, he would stress the importance of adequate backing from the Secretariat, especially the distribution of documents in timely fashion.

48. Mrs. EUFEMIO suggested that the provision made in the Convention itself (art. 43.2) for equitable geographical distribution in the constitution of the Committee might serve as an argument in favour of increased membership.

49. Mr. HAMMARBERG, noting that the Committee seemed to have embarked on a discussion of its methods of work, stressed the mutual interest for treaty bodies of becoming more familiar with each other's activities. For its part, the Committee might interest itself more closely in the way in which the issue of children's rights was addressed by the other committees; it might even entrust each of them with a watching brief in some specific domain.

50. Ideally, up-to-date feedback on what was being done in each of the treaty bodies should be exchanged in advance of every session, but that would obviously add to the Secretariat's already heavy burden of work.

51. As to the topic of reservations, an academic institution in the United States of America had offered to undertake a scientific analysis and scholarly review of the situation. It was an initiative that should certainly be encouraged, and the findings could be discussed by the Committee, together with UNICEF perhaps.

52. The CHAIRPERSON said that she had become increasingly aware of the disadvantages of limited membership as different topics were aired, each of which might merit the attention of a separate working group. Among those topics, she had already noted: an overview of the Committee's procedures; the question of the commentary on the general guidelines regarding the form and content of initial reports (CRC/C/5); the matter of guidelines to be handed on

to the Committee for the next four-year cycle, with goals and strategies up to the year 2000; the problem of the increasing workload; and continuity in and coordination between the activities of the various treaty bodies, notably in regard to follow-up.

53. Mr. KOLOSOV suggested that one task should be to draft guidelines on the form and content of periodic reports, in which connection the practice followed by other treaty bodies might constitute a useful point of departure.

54. Mgr. BAMBAREN GASTELUMENDI called for further reflection on the Committee's response to special situations such as those in Rwanda and Burundi.

55. Mr. HAMMARBERG said that, in the spotlight of the media, an understandable sense of frustration had been provoked by the Committee's inability to respond promptly and adequately to special situations, among which he included the continued killing of street children and the rising tide of child prostitution. Yet while a rapid response mechanism was undoubtedly called for, every effort must be made to avoid the albeit well-intentioned "amateurism" that had, in certain recent circumstances, brought the United Nations into disrepute. What was essential, to his mind, was to establish effective channels of communication between professionals in the Centre for Human Rights, on the one hand, and those in the field, on the other. The respective roles of each, along with a proper division of labour, should be carefully thought out; consideration might be given to expanding the mission of the Special Rapporteur on the sale of children, child prostitution and child pornography and turning it into a full-time operational unit. As for the Committee, it should be careful not to embark on more than it was physically capable of carrying through.

The meeting rose at 12.45 p.m.